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5.08.010 Policy statement.

A. It shall be the policy of the county of Los Angeles to provide equal opportunity in county employment for all qualified persons, regardless of race, color, religion, sex, national origin, age or handicap, and to maintain an affirmative action program of whatever scope necessary to eradicate the effects of past discrimination.

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B. It shall be the policy of the county to ensure the existence of equal employment opportunities by making it the responsibility of every appointing power to assure that:

1. Discrimination does not exist in the employment or discharge of any individual with respect to his/her compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex, national origin, age or handicap; and

2. There is no limitation, segregation or classification of his/her employees or applicants for employment in any way which would deprive or tend to deprive an applicant of entering into county service, or an employee of promotional opportunities, or otherwise adversely affect his/her status because of race, color, religion, sex, national origin, age or handicap; and

3. There exists no employment or personnel management practice or standard which would adversely affect persons of a protected group unless there is adequate justification in the form of a showing that the standard or practice is job-related. If a standard or practice excludes persons of a protected group on account of their membership in the group, such a standard or practice must be required as a business necessity.

"Business necessity" is defined for purposes of Ordinance 4099 as any practice that is essential to the safe and efficient operations of the county and without which there would be severe financial impact.

C. The goals of the affirmative action and equal employment opportunities program shall be to eliminate all artificial barriers in employment and to achieve a work force that is balanced for ethnic minority groups and women based on their representation in the county external population and their availability. (Ord. 11313 § 2 (part), 1976: Ord. 4099 Art. 100 § 19101, 1942.)

5.08.020 Director of personnel and affirmative action compliance officer--Responsibility and authority.

A. The director of personnel will have overall responsibility for implementing all sections of this chapter except those which relate to the responsibility and authority of the affirmative action compliance officer, department heads, and the chief administrative officer. In order to fulfill the requirements of this chapter, the director of personnel is authorized to take all measures which he/she deems necessary or effective to provide for equal employment opportunity and affirmative action in the county service, so long as they are consistent with appropriate federal or state law, the County Charter, the civil

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service rules, and Ordinance 4099.

B. Specific responsibilities of the affirmative action compliance officer will include but not be limited to the following:

1. Developing a comprehensive affirmative action plan for the county;
2. Assisting line management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing action plans to achieve goals;
3. Designing, implementing and monitoring internal audit and reporting systems to measure results, to determine what progress has been made, and to indicate where further action is needed; included in the monitoring and evaluation systems will be the performance of department heads in the achievement of affirmative action goals;
4. Reporting semiannually to the board of supervisors on the progress of each department and the county overall for the affirmative action goals;
5. Serving as a liaison between the county and government regulatory agencies, minority and women's organizations, and other community groups;
6. Assuring that current legal information affecting affirmative action is disseminated to responsible officials;
7. Consulting with the director of personnel in the formulation of the county's affirmative action program, including the development of goals and timetables for specific actions to be taken within county departments. (Ord. 94-0094P § 8, 1994; Ord. 11313 § 2 (part), 1976; Ord. 4099 Art. 100 § 19102, 1942.)

5.08.030 Department heads--Responsibility and authority.

Each department head shall be responsible for identifying areas of underutilization and/or concentration of minority groups and women. Each department head shall develop an affirmative action plan adapted to his department's specific needs so identified, and consistent with the county's comprehensive affirmative action plan. As the appointing power, he/she shall have the authority and the responsibility for the appointment of candidates to all positions within his/her department as well as for his/her department's employment and promotional practices generally. Each department head, management and supervising employee shall be evaluated by his/her superior on whether he/she takes effective action to implement all specific personnel actions within his/her authority that have been committed as part of the county's affirmative action program as described in this chapter. (Ord. 11313 § 2 (part), 1976; Ord. 4099 Art. 100 § 19103, 1942.)

5.08.040 Chief administrative officer and director of personnel--Responsibility and authority.

The chief administrative officer and director of personnel, in cooperation with the affirmative action compliance officer, shall use the authority granted to him/her by the county code and the rules and regulations of the board to ensure that an effective equal employment opportunity program and affirmative action plan is carried out. (Ord. 94-0094P § 9, 1994: Ord. 11313 § 2 (part), 1976: Ord. 4099 Art. 100 § 19104, 1942.)

5.08.050 Affirmative action program--Composition.

The affirmative action program of the county shall consist of, but not be limited to, the provisions set out in Sections 5.08.060 through 5.08.100. (Ord. 11889 § 1 (part), 1979: Ord. 11313 § 2 (part), 1976: Ord. 4099 Art. 100 § 19105 (part), 1942.)

5.08.060 Affirmative action program--Race/ethnic categories--Definitions.

As used in this chapter:

- A. "Concentration" means the existence of more minorities or women in a job category or department than would reasonably be expected by their presence in the work force.
- B. "Minority" means any person who is described by one of the following racial/ethnic categories:
 1. Black/African American (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa;
 2. Hispanic/Latino: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
 3. American Indian: Any person who presents acceptable written documentation that he/she is either (a) a member of an American Indian tribe, band or organized group including Alaskan Natives recognized by the federal or state government, including individuals who are members of bands or groups terminated since 1940 and whose name appears on a federal or state judgment, claim, or other roll; or (b) is a descendent in the first or second degree of such an American Indian member; or (c) is considered by the Secretary of the U.S. Department of Interior to be an American Indian for any purpose;
 4. Asian or Pacific Islander: All persons having origins in any of

the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, and Samoa (excluding persons of Filipino origin or ancestry);

5. Filipino-American: Any person whose appearance, surname, speech/language (including all dialects) indicates Filipino origin or ancestry should be classified in this category.

C. "Underutilization" means the existence of fewer minorities or women in a series or particular classification than would reasonably be expected by their presence in the relevant labor market pool. (Ord. 96-0011 § 1, 1996; Ord. 11889 § 1 (part), 1979; Ord. 11752 § 1, 1978; Ord. 11313 § 2 (part), 1976; Ord. 4099 Art. 100 § 19105(A), 1942.)

5.08.070 Affirmative action program--Action plans.

Each department head, in consultation with the director of personnel and the affirmative action compliance officer, shall develop and implement action plans to eliminate the causes of underutilization and/or concentration, as well as discriminatory barriers in general and to achieve goals. Action plans shall be developed for, but not be limited to, the following areas:

A. Recruitment.

1. Recruitment procedures shall be reviewed and analyzed to identify and eliminate discriminatory barriers;
2. Objective measures shall be established to analyze and monitor the recruitment and appointment process;
3. Any persons involved in the employment process shall be trained to use objective standards and support affirmative action goals;
4. Programs to affirmatively recruit for all jobs where underutilization has been identified shall be instituted.

B. Selection.

1. To ensure that selection standards and procedures do not discriminate but instead contribute toward affirmative action goals, a careful review and evaluation of every step of the selection procedure is necessary. This review and evaluation shall consider, but not be limited to, the following:
 - a. Recruitment sources;
 - b. Application forms and pre-employment inquiries;
 - c. Job descriptions;
 - d. Minimum requirements;
 - e. Written examinations;
 - f. Interview procedures;
 - g. Physical examinations;
 - h. Hiring criteria;
 - i. Reference and security checks;

- j. Probationary performance evaluations;
 - k. Any other standard which qualifies or disqualifies persons for employment, promotion, and training.
2. Job-Related, Validated Standards for Selection.
- a. Selection standards which adversely affect individuals on the basis of race, color, religion, sex, national origin, age or handicap shall be eliminated unless they can be demonstrated to be practically useful and job-related. Job-related selection standards with adverse effect shall be used only when no alternative, less discriminatory job-related standards are available.
 - b. To ensure that selection procedures remain nondiscriminatory, they shall be reviewed and evaluated on a continuing basis.
- C. Upward Mobility. All formal and informal practices affecting job assignment, transfers, and promotion and training for jobs at all levels shall be reviewed and evaluated to ensure their job relatedness. All artificial barriers to mobility shall be eliminated. In addition, remedial affirmative action programs shall be developed and implemented for employees who are members of an "adversely affected class." An "adversely affected class" is comprised of those who have suffered and continue to suffer effects of past discrimination.
- D. Benefits and Conditions for Employment. All benefits and conditions of employment shall be reviewed and evaluated to ensure that they are available without regard to race, color, religion, sex, national origin, age or handicap to all employees. Included are:
- a. Medical and hospital benefits;
 - b. Accident and life insurance;
 - c. Retirement benefits;
 - d. Leave;
 - e. Other terms, conditions and privileges of employment.
- E. Negative Personnel Actions. All negative personnel actions (terminations of any kind and for any reason, reductions, suspensions, undesirable reassignments and transfers, and any disciplinary action) will be reviewed and evaluated to determine if they have a disparate effect on minorities and women. As part of the review and evaluation process, a monitoring system will be developed to record all negative personnel transactions which affect minorities, women, or other members of an adversely affected class.
- F. Rules and General Practices. All formal and informal rules and general practices related to employment will be reviewed to ensure consistency with the intent of Ordinance 4099. (Ord. 94-0094P § 10, 1994; Ord. 11313 § 2 (part), 1976; Ord. 4099 Art. 100 § 19105 (B), 1942.)

5.08.080 Affirmative action program--Goals and timetables.

The affirmative action program of the county shall include goals and timetables. Goals and timetables consist of specific commitments to appoint a certain number of minorities and women to specified classifications within a designated period of time. These goals shall be based on considerations of underutilization and/or concentration, as these terms have been used in this chapter.

A. Priority Actions. Highest priority shall be given to those actions which are necessary to correct instances of obvious imbalance and/or where neither lack of availability or any other factor is an obstacle to the immediate implementation of a solution.

B. Long-Range Goals. Long-range goals shall be developed for the county government work force as a whole, and for each significant organizational unit within it. Such goals shall be as specific as necessary, including but not limited to those for individual classifications. The ultimate objective is a reasonably balanced work force overall, and at all levels. All long-range goals shall establish the minimum reasonable time periods within which they are to be achieved.

C. Annual Intermediate Targets. Once long-range goals have been established, specific numerical annual targets shall be developed in order to reach the goals within the indicated time frame. Annual targets shall be framed and adjusted to achieve the relevant long-term goal and take into account such factors as vacancies due to anticipated turnover, expansion or contraction of the work force due to economic factors, availability of persons with the required skills, and other similar considerations. (Ord. 11313 § 2 (part), 1976; Ord. 4099 Art. 100 § 19105(C), 1942.)

5.08.090 Affirmative action program--Monitoring and evaluation.

The affirmative action compliance officer shall establish an internal reporting system to continually audit, monitor and evaluate progress. This system will document all significant personnel transactions and indicate responsibility and accountability as well as justification for actions taken. The information produced from this system will be reported to the affirmative action compliance officer. The director of personnel shall assist the affirmative action compliance officer in monitoring performance to ensure equal employment opportunity and affirmative action in county service. (Ord. 94-

0094P § 11, 1994: Ord. 11313 § 2 (part), 1976: Ord. 4099 Art. 100 § 19105(D), 1942.)

5.08.100 Affirmative action program-- Supportive programs.

The affirmative action compliance officer, where necessary, shall develop county-wide programs supportive of affirmative action efforts. These programs shall include, but not be limited to, the following:

- A. Training for management and supervisors;
- B. Liaison with racial/ethnic communities and women's groups;
- C. Career counseling. (Ord. 94-0094P § 12, 1994: Ord. 11313 § 2 (part), 1976: Ord. 4099 Art. 100 § 19105(E), 1942.)

5.08.110 Office of affirmative action compliance--Created--Organization and powers and duties.

A. Creation. There is created an office of affirmative action compliance of Los Angeles County, hereinafter in this section referred to as the "office."

B. Purpose. The office is formed for the purpose of developing, monitoring, attaining and enforcing affirmative action compliance within the departments and agencies of Los Angeles County governments.

C. Members. The office shall consist of one compliance officer to be appointed by the board of supervisors and adequate staff to be selected by the compliance officer.

D. Duties. The office shall:

1. Advise the board concerning the development and implementation of an effective, lawful and comprehensive affirmative action program;
2. Investigate, monitor, regulate and enforce the county's affirmative action policies by:
 - a. Issuing appropriate affirmative action directives to all county departments and agencies, and
 - b. Reporting to the board, any identified noncompliance with these affirmative action directives by the county departments or agencies;
3. Consult with the county commission on human relations, commission for women, director of personnel, chief administrative officer and other county departments in the formulation of the county affirmative action program, including the development of goals and timetables for specific actions to be taken within county departments.

E. Officers and Employees. The officers and employees of the office shall be those designated in the current salary ordinance of the county of Los Angeles. Whenever a vacancy occurs in the office of the compliance officer of the office, the board of supervisors, pursuant to civil service provisions of the County Charter, may fill said vacancy. The compliance officer of the office is responsible, as the administrative head of the office, for implementing and executing the policy and programs of the office as established by the board of supervisors. (Ord. 96-0011 § 2, 1996: Ord. 11313 § 2 (part), 1976: Ord. 4099 Art. 100 § 19106, 1942.)

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